

### REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1, 3-7, 9-10, 14, 16-20, 22-23, and 30 remain pending in the present application. No new matter has been added.<sup>1</sup>

By way of summary, the Office Action presented the following issues: Claims 1-4, 8, 14-17, and 21 stand rejected under 35 U.S.C. § 103(a) as obvious over Fradette (U.S. Patent No. 6,606,698 B2) in view of Epstein et al. (U.S. Patent Application Publ'n No. 2004/0042479 A1, hereinafter "Epstein") and Day et al. (U.S. Patent No. 7,260,601 B1, hereinafter "Day"); Claims 5 and 18 stand rejected under 35 U.S.C. § 103(a) as obvious over Fradette in view of Epstein, Day, and Deshpande (U.S. Patent No. 7,191,246 B2); Claims 6 and 19 stand rejected under 35 U.S.C. § 103(a) as obvious Fradette in view of Epstein, Day, and Gemmell (U.S. Patent No. 6,678,855 B1); Claims 7 and 20 stand rejected under 35 U.S.C. § 103(a) as obvious over Fradette in view of Epstein, Day, and Noma et al. (U.S. Patent Application Publ'n No. 2003/0055988 A1, hereinafter "Noma"); Claims 9 and 22 stand rejected under 35 U.S.C. § 103(a) as obvious over Fradette in view of Epstein, Day, and Fukunaga et al. (U.S. Patent No. 6,282,240 B1, hereinafter "Fukunaga"); and Claims 10 and 23 were indicated as allowable if rewritten in independent form.

### ALLOWABLE SUBJECT MATTER

Applicant thanks Examiner Nickerson for indicating Claims 10 and 23 as allowable. Accordingly, Applicant has rewritten dependent Claims 10 and 23 in independent form.

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<sup>1</sup> The amendments to Claims 1 and 14 find support at least in Claims 2 and 8 and in Figures 30 and 32 and their accompanying text in the specification. The amendments to Claims 4-5 and 17-18 find support at least in Figure 27 and in its accompanying text in the specification.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-4, 8, 14-17, and 21 stand rejected under 35 U.S.C. § 103(a) as obvious over Fradette in view of Epstein and Day. In light of the several grounds of rejection on the merits, independent Claims 1 and 14 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 recites an information processing apparatus, including, in part,

a processor configured . . . to set a judgment value to indicate to the node whether to execute a process to return the return data to the reproduction instruction apparatus, and to generate the data reproduction process request packet, which stores the judgment value . . . ; and

a network interface unit that transmits the data reproduction process request packet to the node . . . .

Applicant respectfully submits that Fradette, Epstein, Day, and Fukunaga fail to disclose or suggest those features.

Fradette concerns a method for managing data storage in which a caching unit 90 “sends I/O status indicating ‘request complete’ to the interface 200 . . . .”<sup>2</sup> Fradette does not disclose that the I/O status indicates to the interface whether to execute a process to return data to the caching unit.

Applicant submits that Fradette fails to disclose or suggest “a processor configured . . . to set a judgment value to indicate to the node whether to execute a process to return the return data to the reproduction instruction apparatus, and to generate the data reproduction process request packet, which stores the judgment value . . . ; and a network interface unit that transmits the data reproduction process request packet to the node,” as advantageously recited in amended Claim 1.

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<sup>2</sup> Fradette, col. 8, ll. 40-41.

The Office does not rely on Epstein or Day for related features.<sup>3</sup> It is respectfully submitted that Epstein and Day fail to disclose or suggest “a processor configured . . . to set a judgment value to indicate to the node whether to execute a process to return the return data to the reproduction instruction apparatus, and to generate the data reproduction process request packet, which stores the judgment value . . . ; and a network interface unit that transmits the data reproduction process request packet to the node,” as recited in amended Claim 1.

Fukunaga concerns a picture coder, in which a “reception capability estimate unit 110 calculates the average frame dropout probability of each receiving device based on the past reception result . . . to estimate the reception capability . . . .”<sup>4</sup> In the Fukunaga picture coder, a “target device selection unit 111 selects the receiving devices that are judged capable of receiving the next frame, based on the reception capability estimate made by the reception capability estimate unit 110 . . . .”<sup>5</sup>

That is, Fukunaga merely describes selecting a device based on a past reception result. Applicant submits that Fukunaga does not describe transmitting the frame dropout probability or the reception capability estimate to the receiving devices. Applicant further submits that Fukunaga fails to disclose or suggest “a processor configured . . . to set a judgment value to indicate to the node whether to execute a process to return the return data to the reproduction instruction apparatus, and to generate the data reproduction process request packet, which stores the judgment value . . . ; and a network interface unit that transmits the data reproduction process request packet to the node,” as advantageously recited in amended Claim 1.

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<sup>3</sup> Office Action at 7.

<sup>4</sup> Fukunaga, col. 5, ll. 18-22.

<sup>5</sup> Id., ll. 36-39.

Thus, Fradette, Epstein, Day, and Fukunaga, taken alone or in combination, fail to disclose or suggest “a processor configured . . . to set a judgment value to indicate to the node whether to execute a process to return the return data to the reproduction instruction apparatus, and to generate the data reproduction process request packet, which stores the judgment value . . . ; and a network interface unit that transmits the data reproduction process request packet to the node,” as recited in Claim 1. It is respectfully submitted that independent Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Fradette, Epstein, Day, and Fukunaga.

It is further submitted that amended Claim 14 (and all associated dependent claims) is allowable for the same reasons as discussed above with regard to Claim 1 and for the more detailed features presented in Claim 14.

It is further submitted that Deshpande, Gemmell, and Noma fail to remedy the above-noted deficiencies in Fradette, Epstein, Day, and Fukunaga. Accordingly, it is respectfully submitted that the rejections of dependent Claims 5-7 and 18-20 are moot.

#### NEW CLAIM

Applicant has added new Claim 30 to set forth the invention of Claim 1 in a varying scope. Applicant submits that the new claim finds support at least in Figure 30 and in its accompanying text in the specification. Thus, no new matter has been added. It is respectfully submitted that new Claim 30 is allowable by virtue of its dependency and for the more detailed features presented by the new claim.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the cited art and is in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)

Brian R. Epstein  
Registration No. 60,329